

**THE NOTES BELOW REPRESENT NOTES
AFTER THE SECOND CHECK HAS BEEN
COMPLETED. NO FURTHER
DOCUMENTS WILL BE REVIEWED PRIOR
TO HEARING.**

Proposed Local Rules have been posted and can be viewed by visiting
<http://www.sbcounty.gov/courts/pdfs/misc/proposedrules.pdf>

The court welcomes your comments on these proposed rules. Please send them via E-mail to dmeyers@courts.sbcounty.gov or mail them to San Bernardino County Superior Court, 303 West Third Street, Mail Stop 240, San Bernardino, CA 92415. Comments are due by May 12, 2008. If sending comments close to the end of the comment period, please email only.

The Probate Examiners can be reached at ProbateNotes@courts.sbcounty.gov. Emails must have the case identification information and hearing time/date in the subject line. No attachments will be opened. Probate Examiners can only respond to inquiries regarding the meaning of comments in the notes. PLEASE DO NOT SEND EMAILS TO STATE THAT DOCUMENTS HAVE BEEN FILED, TO REQUEST A CONFIRMATION OF WHETHER DOCUMENTS HAVE BEEN RECEIVED, OR TO REQUEST THE CLEARING OF NOTES. No legal or procedural advice may be given.

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

PROBATE

DATE: 05/13/08 TIME: 9:00 DEPT: E1

CASE #: MPRMS01093

CASE NAME: ESTATE OF JAMES BELA FERGUSON

VACATED

HEARING:
Accounting Review

COUNSEL:

JANIE HANNAH (PET)...PRO/PER
JAMES BELA FERGUSON (DEC)...

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 05/13/08 TIME: 9:00 DEPT: E1

CASE #: PROPS0600171

CASE NAME: ESTATE OF DOLORES SALAZAR

HEARING:
Accounting Review

COUNSEL:
LARRY SALAZAR (PET)...MICHAEL J OBRIEN
DOLORES SALAZAR (DEC)...

GENERAL INFORMATION:
Letters of Administration issued 3/9/07 (full authority, no bond)

THIS CASE IS SET FOR HEARING ON Accounting Review/Status Report.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. No accounting or status report is filed.

RECOMMENDATION:

When the personal representative does not file an accounting as required, the court shall take action as specified in Pr.C. § 11050 et seq.

(gls)

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 05/13/08 TIME: 9:00 DEPT: E1

CASE #: PROPS0600191

CASE NAME: ESTATE OF ROSIE MAE BAHER

HEARING:
Hearing Re: STATUS REPORT.

COUNSEL:
PAMELA J SANBAR (PET)...LAYNE
ROSIE MAE BAHER (DEC)...

GENERAL INFORMATION:
Letters of Administration issued 1/30/07 (full authority, no bond)

THIS CASE IS SET FOR HEARING ON Status Report

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Petitioner alleges that during the administration, the administrator's mother passed away. The administrator has been mourning and unable to complete the accounting. Petitioner requests an additional 90 days to conclude the estate administration.

RECOMMENDATION:
If approved, court to set next accounting review for 11/18/08. Accounting to be filed 30 days in advance.

(gls/ABS)

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 05/13/08 TIME: 9:00 DEPT: E1

CASE #: PROPS0600305

CASE NAME: ROBERT ARTHUR ELLITHORPE

VACATED

HEARING:
Accounting Review

COUNSEL:

LAURA GILBERT (PET)...STANLEY A HUTCHINSON
ROCHELLE AUREA ANTHONY (PET)...STANLEY A HUTCHINSON
ROBERT ARTHUR ELLITHORPE (DEC)...
WELLS FARGO CARD SERVICES (TP)...PRO/PER

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 05/13/08 TIME: 9:00 DEPT: E1

CASE #: PROPS0700317

CASE NAME: PAUL ALEXANDER WILMS

HEARING:

Hearing re: Inventory and appraisal

COUNSEL:

REGINA WILMS (PET)...NOREEN FONTAINE
PAUL ALEXANDER WILMS (DEC)...

VACATED – FINAL I&A FLED

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 05/13/08 TIME: 9:00 DEPT: E1

CASE #: PROPS0700419

CASE NAME: DANIEL EDWARD GRATTAN

HEARING:

FIRST AND FINAL Account and Report of GROVER DUWAYNE COLLINS and
Petition for allowance of fees filed.

COUNSEL:

GROVER DUWAYNE COLLINS (PET)...DAVID M GROSSMAN
DANIEL EDWARD GRATTAN (DEC)...

GENERAL INFORMATION

Continued from 4/8/08 at request of counsel to clear calendar notes.

THIS CASE IS SET FOR HEARING ON first and final account and report.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Nature of the property not stated (sole and separate, community, etc.). **Supp: All property of the decedent was separate.** .
2. Attorney and petitioner waive statutory fees.

RECOMMENDATION:

RFA. If petition granted court will have to set future dates. Set hearing for filing of receipts and discharge for 5/19/09.

NMT/gls

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 05/13/08 TIME: 9:00 DEPT: E1

CASE #: PROPS0700620

CASE NAME: KATHLEEN REDFORD

HEARING:

Hearing re: Inventory and appraisal

COUNSEL:

RICHARD N LARSEN, PUBLIC ADMIN(PET)...HORSPOOL & PARKER

KATHLEEN REDFORD (DEC)...

DEPT OF HEALTH CARE SERVICES (TP)...

BRENDA J HENINGER (LAYNE A BARTHOLOMEW)...LAYNE A B

GENERAL INFORMATION **Continued from 2-19-08 and 4/1/08. Nothing new filed.**

THIS CASE IS SET FOR HEARING ON filing of inventory and appraisal

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. No inventory and appraisal filed.

RECOMMENDATION:

When an inventory and appraisal is not filed as ordered, the court may set a hearing in accord with Pr.C. §§ 8804 and/or 8505. There is no bonding company to notice.

FUTURE HEARINGS CURRENTLY SET: 8-12-08 for accounting review

NMT/gls

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 05/13/08 TIME: 9:00 DEPT: E1

CASE #: PROPS0700761

CASE NAME: DOLORES G RAZO

VACATED- FINAL I&A FILED.

HEARING:
Hearing re: Inventory and appraisal

COUNSEL:
RALPH G RAZO JR (PET)...PECCORINI & PECCORINI
DOLORES G RAZO (DEC)...

FUTURE HEARING DATES:
1/06/09 Accounting Review

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 05/13/08 TIME: 9:00 DEPT: E1

CASE #: PROPS0700895

CASE NAME: MTR OF RAYMOND JOSEF BOYKO

HEARING:
Petition for DETERMINE ENTITLEMENT TO DISTRIBUTION

COUNSEL:
C TERESA DRIVER (PET)...FULLERTON LEMANN SCHAEFFER & D
RAYMOND JOSEF BOYKO (DEC)...
LETICIA BOYKO (PET)...WILLIAM M NASSAR & ASSOCIATES
STATE OF CALIFORNIA FRANCHISE (TP)...

XREF PRO701052 CON700015

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON
Petition to determine entitlement to distribution.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Letters testamentary issued 10/25/07.
2. Petitioner (Leticia Anderson-Boyko, surviving spouse) now petitions per Pr.C. 11700 and 21610 for entitlement to distribution under decedent's will and trust because the estate planning documents were formed by decedent prior to marriage, they failed to provide for petitioner, and they do not show that there was any intent to fail to provide for petitioner. Petitioner claims she is entitled to one-half of the probate and trust estates.
3. **Objections filed by executor/trustee (Teresa Driver). Objections are in the nature of an answer/response to each allegation.**

RECOMMENDATION
Set for contested hearing.

/abs

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 05/13/08 TIME: 9:00 DEPT: E1

CASE #: PROPS0700913

CASE NAME: PAUL JAMES ONUSIC

HEARING:

Hearing re: Inventory and appraisal

COUNSEL:

JOANNE ONUSIC TRUPP (PET)...NORMAN RASMUSSEN
PAUL JAMES ONUSIC (DEC)...

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON filing Inventory and Appraisal

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Final Inventory is filed, however, need copy of USAA bank statement to verify date of death cash balance per local rule 20-908.

RECOMMENDATION:

Require copy of bank statement.

(gls)

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 05/13/08 TIME: 9:00 DEPT: E1

CASE #: PROPS0700917

CASE NAME: MARILYN J. KEAN

HEARING:

Hearing re: Inventory and appraisal

COUNSEL:

ROBERT L KEAN (PET)...SWAN,CARPENT ER,WALLIS & MCKEN
MARILYN J. KEAN (DEC)...
HEIR BUYOUT COMPANY (TP)...N MITCHEL FEINSTEIN

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON filing Inventory and Appraisal

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Partial No. 1 inventory and appraisal is filed. Question status of final inventory?

RECOMMENDATION:

Inquire status of final inventory and set review date for compliance (suggest 60 days)
(gls)

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 05/13/08 TIME: 9:00 DEPT: E1

CASE #: PROPS0700997

CASE NAME: BENJAMIN JAMES BERG

HEARING:

FIRST AND FINAL Account and Report of RONALD G BERG and Petition
for allowance of fees filed.

COUNSEL:

RONALD G BERG (PET)...MELISSA E REILLY
BENJAMIN JAMES BERG (DEC)...

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON First and Final Report on Waiver of Account and
Petition for Final Distribution

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Petitioner is the sole beneficiary and waives an accounting.
2. Petitioner waives statutory compensation.
3. Attorney requests statutory fees of \$8,524.88. Ok.

RECOMMENDATION:

RFA. If approved, court to set hearing on filing receipts and final discharge for 5/19/09.
(gls)

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 05/13/08 TIME: 9:00 DEPT: E1

CASE #: PROPS0800011

CASE NAME: MARTHA E. OTERO

**SEE ALSO 5 6 IN E2
TO BE HEARD IN E-2 WITH XREF CASES**

HEARING:
Petition for TO DETERMINE HEIRSHIP

	COUNSEL:
MICHAEL RAMOS	(PET)...ALLARD, SHELTON & O'CONNOR
LUKE ESSLINGER	(PET)...ALLARD, SHELTON & O'CONNOR
MARTHA E. OTERO	(DEC)...

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON
Petition to determine heirship

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Letters of administration issued 2/13/08.
2. Co-administrators now state that decedent died intestate and was survived by a husband and five children and three stepchildren (issue of husband), that decedent died by a gunshot wound to the head inflicted by husband and then husband killed himself, that husband survived decedent by a short period, and that competing petitions for letters testamentary and letters of administration re the husband's estate are pending in case PROPS0701196 set for this same date (5/13/08).

3. Petitioners request a determination per Pr.C. 254(b) that the husband “feloniously and intentionally” killed decedent/wife. Petitioners attach portions of the crime report (Exhibit C) and note that the remainder is available for court review but has not been attached because of the sensitive nature of the report. Petitioners add that the husband was not charged, and no criminal proceedings are going forward, because the husband is deceased. If the husband is found to have “feloniously and intentionally” killed decedent then his estate would not take in this estate nor take any jointly-held property or interest in decedent’s life insurance. Instead, the estate would pass as if the husband predeceased decedent and decedent’s entire estate would pass to her five children only.
4. The resulting order would determine that there was no parent-child relationship between decedent and the stepchildren (and therefore that they would not take in this estate), that the husband feloniously and intentionally killed decedent and therefore is not entitled to take in this estate, and that the entire estate passes to the five children.
5. Need notice of hearing and proof of service.
6. **The administrator of the husband’s estate has filed a Statement of Interest in Estate (filed 4/30/08) in which she claims a one-half interest in the estate for the husband’s estate on the basis that she has not yet been able to assess the applicability and effect of Pr.C. 250 et seq. in this case. She requests a continuance of this hearing for an unspecified period.**
7. No Proposed Order filed.

RECOMMENDATION

Need notice. Inquire of adverse claimant re the period of continuance requested and continue matter accordingly. When proceeding, will need evidentiary hearing.

/abs

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 05/13/08 TIME: 9:00 DEPT: E1

CASE #: PROPS0800101
CASE NAME: HILDA SATERFIELD

HEARING:
PETITION FOR LETTERS OF ADMINISTRATION W/WA W/FULL AUTHORITY
UNDER IAEA.

COUNSEL:
AMELIA MC NEAL (PET)...ANDREA G VAN LEESTEN
HILDA SATERFIELD (DEC)...

GENERAL INFORMATION

Continued from 4/1/08. No appearance.

THIS CASE IS SET FOR HEARING ON Petition for Probate of Will and for Letters of Administration with Will Annexed, with Full Independent Administration of Estate Act Powers and \$106,000 Bond.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Petitioner requests bond in the amount of \$106,000. Amount appears to be adequate per information in petition.
2. "Receipt" filed by petitioner evidencing receipt of all assets by petitioner. Normally a receipt is filed only up distribution after final accounting or petition for final distribution. Does this receipt evidence that petitioner has received all assets personally (which would be an improper distribution) or that he received them all as the personal representative (in which case no receipt is necessary or proper at this stage)? Need verified supplement or suggest court inquire. If petitioner has taken an improper preliminary distribution then suggest court set OSC re return of estate assets forthwith.

RECOMMENDATION:

RFA subject to note 2, \$106,000 bond. If petition granted court will have to set future dates. Set hearing for filing of inventory and appraisal for 12/6/08. Set hearing for filing of accounting and/or status report for 7/21/09. Any accounting to be filed 30 days in advance.

NMT/gls/abs

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 05/13/08 TIME: 9:00 DEPT: E1

CASE #: PROPS0800120

CASE NAME: STEVEN J. STAGE

HEARING:

Petition for Letters of Admin. W/ Full Authority under IAEA.

COUNSEL:

STEVEN MICHAEL STAGE (PET)...HORSPOOL & PARKER
STEVEN J STAGE (DEC)...

GENERAL INFORMATION special administrator appointed on 2-13-08. No bond required.
Continued from 4/1/08 at request of counsel.

THIS CASE IS SET FOR HEARING ON Petition to administer, with full I.A.E.A. authority and no bond.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. All heirs waive bond.

RECOMMENDATION:

If petition granted court will have to set future dates. Set hearing for filing of inventory and appraisal for 11-4-08. Set hearing for filing of accounting and/or status report for 6-9-09. Any accounting to be filed 30 days in advance.

NMT/gls/abs

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 05/13/08 TIME: 9:00 DEPT: E1

CASE #: PROPS0800285

CASE NAME: GORDON E. SHAW

HEARING:
Petition to determine succession to Real Property

	COUNSEL:
MICHAEL SHAW	(PET)...GEORGE S THEIOS
GORDON E. SHAW	(DEC)...

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON Petition to Determine Succession to Real Property

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Petitioner claims a 100% interest in decedent's interest in real properties in Twenty-Nine Palms pursuant to the terms of decedent's Will.

RECOMMENDATION:
RFA absent objections. No need to set future dates.
(gls)

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 05/13/08 TIME: 9:00 DEPT: E1

CASE #: PROPS0800315

CASE NAME: ENRIQUE CASTRO

HEARING:
Spousal Property Petition hearing.

COUNSEL:
NORMA CASTRO (PET)...DAAR & NEWMAN
ENRIQUE CASTRO (DEC)...

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON Spousal Property Petition

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Petitioner requests determination and confirmation of the community property interest in decedent's shares of stock in Baxter International, Inc., acquired while employed at that company. Question whether any portion of the 983.18 shares were acquired prior to the date of marriage (12/30/89)? Also question whether there is a beneficiary designation on the decedent's employer stock plan? File verified supplement.
2. No objections are filed at the time of the review of this file.

RECOMMENDATION:
Need verified supplement.
(gls)

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 05/13/08 TIME: 9:00 DEPT: E1

CASE #: PROPS0800323

CASE NAME: MTR OF ZELPHA CASH

HEARING:

Petition for Probate, Letters of Tstmntry with full authority
under IAEA.

COUNSEL:

LEO CASH JR
ZELPHA CASH

(PET)...FULLERTON LEMANN SCHAEFFER & D
(DEC)...

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON Petition for Probate and for Letters Testamentary
with full authority under IAEA

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Will waives bond.

RECOMMENDATION:

RFA, no bond. If approved, set hearing on the filing of an inventory and appraisal for
12/16/08. Set hearing on accounting review for 7/21/09. Accounting to be filed 30 days in
advance.

(gls)

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 05/13/08 TIME: 9:00 DEPT: E1

CASE #: RPRRS02181

CASE NAME: ***MF** BRUNO CEJA JR.

VACATED

HEARING:

Petition for SETTLEMENT THEREOF; FOR ALLOWANCE OF ATTY'S FEES
AND EXECUTOR'S FEES

COUNSEL:

MONICA M CEJA	(PET)...MARK J TUNDIS
BRUNO CEJA JR	(DEC)...
JOE SANCHEZ	(SPA)...L.DOMINIC CHACON
MELINDA A MILLER	(PET)...ALLARD, SHELTON & O'CONNOR
JESSIE C VELARDE	(OBJ)...ALLAR, SHELTON & O'CONNOR
ROBERT L KERN	(PRO/PER)...PRO/PER

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 05/13/08 TIME: 9:00 DEPT: E1

CASE #: RPRRS02281

CASE NAME: CHANG HUM-FONG CHOW

PAGES 19 AND 19A ARE SAME CASE

VACATED

HEARING:
Accounting Review

COUNSEL:
CECILIA E LEE (PET)...THOMPkins & PARRINGTON
CHANG HUM-FONG CHOW (DEC)...

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 05/13/08 TIME: 9:00 DEPT: E1

CASE #: RPRRS02281

CASE NAME: CHANG HUM-FONG CHOW

PAGES 19 AND 19A ARE SAME CASE

HEARING:

Hearing Re: FOURTH REPORT OF STATUS OF ADMINISTRATION OF ESTAT.

COUNSEL:

CECILIA E LEE (PET)...THOMPSON & PARRINGTON
CHANG HUM-FONG CHOW (DEC)...

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON

Fourth probate status report

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Letters testamentary issued 9/18/03.
2. Petitioner reports that the estate is not ready to close because the sole asset is a civil claim that has been heard in the Rancho Cucamonga district of this court, that settlement has been reached, that payment on the settlement will be made directly to the trust beneficiaries, that no assets have been marshaled by executor, and that 12 additional months are needed to administer the estate.

RECOMMENDATION

Court's discretion. If approved ,set next accounting review for 5/19/09.

/ABS

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 05/13/08 TIME: 9:00 DEPT: E1

CASE #: RPRRS02877

CASE NAME: FRANK P. ROMERO, AKA FRANK PALMA ROMERO

HEARING:
Hearing re: Inventory and appraisal

	COUNSEL:
FRANK P. ROMERO	(DEC)...
ROSIE ROMERO	(CAD)...LAW OFFICE OF RANDY M LONG
ALICE CORREA	(CAD)...ROBERT J SPITZ
ALICE CORREA	(OBJ)...ROBERT J SPITZ

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON filing of inventory and appraisal

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Only a partial inventory and appraisal has been filed. When will final be filed? File verified supplement.

RECOMMENDATION:

Court will need to determine when final inventory and appraisal will be filed. Then set control date to ensure compliance.

NMT

FUTURE HEARINGS CURRENTLY SET: 10-28-08 accounting review

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 05/13/08 TIME: 9:00 DEPT: E1

CASE #: RPRRS02963

CASE NAME: EPIGMENIO VASQUEZ

HEARING:
Accounting Review

COUNSEL:
LILLIAN AULT (PET)...E LAWRENCE BROCK
EPIGMENIO VASQUEZ (DEC)...
DEPARTMENT OF HEATH SERVICES (TP)...

GENERAL INFORMATION **Continued from 2-26-08. Nothing new filed.**

THIS CASE IS SET FOR HEARING ON accounting review

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Matter is set for accounting review. No accounting/ status report has been filed.

RECOMMENDATION:

When the personal representative does not file an accounting as required, the court shall take action as specified in Pr.C. § 11050. There is no bonding company to notice.

NMT

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 05/13/08 TIME: 9:00 DEPT: E1

CASE #: RPRRS03045

CASE NAME: GILBERT CANO

SEE ALSO 22A

HEARING:

FIRST AND FINAL Account and Report of RAYMOND CANO and Petition
for allowance of fees filed.

COUNSEL:

RAYMOND CANO (PET)...LEON FLEISHMAN
GILBERT CANO (DEC)...

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON

Petition for final distribution upon waiver of account and for fees.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Letters of administration issued 12/29/06.
2. Petitioner is sole heir, waives accounting. No notice due.
3. Petitioner waives compensation.
4. Atty requests \$15,848 statutory fee. Calculated. Appears ok.
5. Did decedent have a predeceased spouse who received Medi-Cal benefits?
Need verified supplement.

RECOMMENDATION

RFA subject to note 5. if approved, set hearing re receipts and final discharge for 5/19/09.

/abs

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 05/13/08 TIME: 9:00 DEPT: E1

CASE #: RPRRS03045

CASE NAME: GILBERT CANO

SEE ALSO 22

HEARING:

Hearing Re: STATUS REPORT.

COUNSEL:

RAYMOND CANO (PET)...LEON FLEISHMAN
GILBERT CANO (DEC)...

VACATED AS MOOT – SEE PRIOR PAGE RE FIRST AND FINAL ACCOUNT

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 05/13/08 TIME: 9:00 DEPT: E1

CASE #: RPRRS03073

CASE NAME: JAMES WESLEY MALLOY

HEARING:
Probate status report filed.

COUNSEL:
MATTHEW J MALLOY (PET)...VARNER & BRANDT
JAMES WESLEY MALLOY (DEC)...

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON status report.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Estate is not in a condition to close due to the need to file tax returns for multiple years and the possibility of the need to create a Special Needs Trust for one of the heirs.
2. Petitioner has requested an additional 90 days. However, in order to avoid multiple settings the date recommended below will be the usual 1 year additional time.

RECOMMENDATION:

Recommended for approval absent objection. Set hearing for the next status report and/or account for 5-19-09. Any accounting to be filed 30 days in advance. Estate to remain open until that time.

NMT

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

CONSERVATORSHIPS

DATE: 05/13/08 TIME: 10:30 DEPT: E1

CASE #: CONPS0700031

CASE NAME: HAROLD EASTLE JOHNSTON

HEARING:
Hearing Re: Conservatorship Compliance Review.

COUNSEL:
LORAL L JOHNSTON (CP)...PRO/PER
HAROLD EASTLE JOHNSTON (CTP)...DUANE P BOOTH

GENERAL INFORMATION
Continued from 3-25-08.

THIS CASE SET FOR HEARING ON Conservatorship Compliance Review

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Court appointed Lora Johnston conservator of the person and estate on 09/18/07, no bond.
2. Care and management plan filed 4/22/08.
3. Proof of recording of Letters filed.
4. Proof of service of a copy of the order for conservatorship with rights filed.
5. Court Investigator report filed on 3-21-08.
6. Final Inventory & Appraisal filed. However, account statement shows that account balance was as of 4/1/08, well after 9/18/07. Need Corrected I&A establishing conservatorship assets as of appointment.

RECOMMENDATION
Need Corrected I&A and account statement.

Future hearing date: Accounting Review 11/25/08.

(cbr/NMT/abs)

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 05/13/08 TIME: 10:30 DEPT: E1

CASE #: CONPS0700157

CASE NAME: MTR OF JERISHA MONTE BROWN

HEARING:

Hearing Re: CONSERVATORSHIP COMPLIANCE REVIEW.

COUNSEL:

SADE R BROWN (CP)...PRO/PER
JERISHA MONTE BROWN (CTP)...DUANE P BOOTH
INLAND REGIONAL CENTER (TP)...PRO/PER

GENERAL INFORMATION:

Letters of Conservatorship (person only) issued 8/28/07

Continued from 1/15/08. Court referred matter to Court Investigator.

Continued from 3-18-08 at request of counsel. A Court Investigator report was filed on 3-1-08. Nothing new filed.

THIS CASE IS SET FOR HEARING ON Conservatorship Compliance Review

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Court Investigator's report is filed with no adverse findings.
2. On 11/27/07, the court ordered petitioner to notice Sophia Perry (the social security payee of conservatee) and file proof of service. Need to file proof of service.

RECOMMENDATION:

Need to clear note 2.

(/GLS/NMT)

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 05/13/08 TIME: 10:30 DEPT: E1

CASE #: CONPS0700173

CASE NAME: HELENE E. LAPHAM

HEARING:
Hearing Re: 6 month review - C.I. Report.

COUNSEL:
IONA RICE (CPE)...WILKINSON & WILKINSON
HELENE E LAPHAM (CEP)...DONNASUE SMITH-ORTIZ

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON Court Investigator report.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Six month Court Investigator report is in the file.
2. Court Investigator requests fees. Form is on the left hand side of the file.

RECOMMENDATION:
Court's discretion.

NMT

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 05/13/08 TIME: 10:30 DEPT: E1

CASE #: CONPS0800091

CASE NAME: JASMINE GEORGE WASSEF

SEE 27A

HEARING:
Petition for Appointment of Conservator

COUNSEL:
INAS N. WASSAF (CPE)...
SALWA N. MOSSAD (CPE)...
JASMINE GEORGE WASSEF (CEE)...

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON
Petition for limited conservatorship, person only.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. No bond – person only.
2. **IRC did not receive 30 days notice of hearing as required. IRC filed a letter requesting a continuance on the basis of untimely service. Suggest court continue matter for 30-60 days.**
3. Petitioner requests medical powers. Medical capacity declaration filed. Declaration states physician last saw the proposed conservatee on 3/17/07, over one year ago. Does court wish to require more current exam and new declaration? JTD.
4. Petitioner requests order that conservatee not be allowed to fix residence outside state without court order. JTD.
5. Petitioner requests waiver of assessment fee. JTD.
6. Need clarification of who appointed co-conservators would be. Three were listed at section 1a but one name is scratched out. Elsewhere, all three persons are listed. Need verified supplement. If proceeding as to third, need Confidential Screening Form for that person.

7. Return of citation filed. Need attendance of proposed conservatee or basis for nonattendance. (Petitioner alleges attendance, medical declaration does not support.)
8. Atty Melvin Friedland appointed for proposed conservatee. Report of counsel filed.
9. Suggest court review Confidential Screening Form (tabbed).
10. CI report filed.
11. IRC report filed.

RECOMMENDATION

Continue matter per IRC request (30-60 days).

/abs

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 05/13/08 TIME: 10:30 DEPT: E1

CASE #: CONPS0800091

CASE NAME: JASMINE GEORGE WASSEF

SEE 27

HEARING: re: TEMPORARY CONSERVATORSHIP OF PERSON

COUNSEL:

INAS N. WASSAF (CPE)...

SALWA N. MOSSAD (CPE)...

JASMINE GEORGE WASSEF (CEE)...MELVIN L FRIEDLAND

Temporary conservatorship – no notes.

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 05/13/08 TIME: 10:30 DEPT: E1

CASE #: RC RS00132

CASE NAME: IN THE CONSERVATORSHIP OF HELEN M BENTLEY(SUCCE

HEARING:

FIFTH Account and Report of DIANE L CHUHA and Petition for
allowance of fees filed.

COUNSEL:

DIANE L CHUHA (PET)...VARNER & BRANDT, LLP
HELEN M BENTLEY (PCE)...

GENERAL INFORMATION

Accounting covers 3-1-06 through 2-28-08
Assets: \$180,028.40 cash

THIS CASE IS SET FOR HEARING ON 5th accounting.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Petitioner indicates that bond is currently set at \$157,300 and current bond is inadequate. Petitioner requests that bond be increased to \$210,300 based on current assets plus income. However, this does not include cost of recovery, which is now a required add-on. Hence, total bond should now be \$231,298.57. **Supp: Request for the new higher amount is confirmed by petitioner.**
2. Conservator requests fees of \$5,077.80 representing 175 hours at \$25 per hour for total fees of \$4,375 and 1,757 miles at 40¢ per mile for total mileage of \$702.80. Generally the court does not allow for the reimbursement of mileage. Local Rules of Court, Rule 20-1406(d). Amount is itemized. Judge to decide. **Supp: Petitioner requests that mileage be allowed because she traveled from Upland to Chino for visits three or four times per month and conservatee enjoys the visits.**
3. Petitioner requests authority to pay attorney \$1,612.50 representing 3 hours at \$225 and 7.5 hours at \$125 per hour for the paralegal. Amount is itemized. Judge to decide.
4. Petitioner's care at the Chino Valley Rehabilitation Center is paid directly by the Veteran's Administration.

5. There appears to be a monthly expenditure for flower arrangements. Is this an authorized expenditure? File verified supplement. **Supp: Petitioner requests authority to provide ongoing flower arrangements for conservatee, which are enjoyed. Also, the approximate annual income of the conservatorship has been \$300,000 and approximate annual expenses, including the flowers has been \$4,800. JTD.**
6. Most recent Court Investigator report in the file was filed on 12-27-05. Need Court Investigator report.
7. 4/29/08 VA letter filed indicating that there are too many funds in a checking account and requesting that the funds be moved to a higher yield account. Also, noting another large sum on deposit at the same bank, the VA requests that funds be arranged to provide for full FDIC coverage. Suggest court inquire re petitioner's plan to address these concerns.

RECOMMENDATION:

Need CI report. If petition granted court will have to set future dates. Set hearing for the next account for 5-18-10, to cover the period of 2-29-08 through 2-28-10. Accounting to be filed 30 days in advance.

NMT/abs

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 05/13/08 TIME: 10:30 DEPT: E1

CASE #: RC RS00343

CASE NAME: JUDITH R KERR

HEARING:

FOURTH AND FINAL Account and Report of TIMOTHY D KERR and
Petition for allowance of fees filed.

COUNSEL:

TIMOTHY D KERR (PET)...DAVID M GROSSMAN
JUDITH R KERR (CPE)...

GENERAL INFORMATION Conservatee died on 1-31-08.

Accounting dates:

9-1-06 through 1-31-08 prior to death accounting.

2-1-08 through 2-29-08 post death accounting

Assets: \$167,571.98 cash at time of death \$147,609.77 cash after death assets on hand.

THIS CASE IS SET FOR HEARING ON 4th and final accounting.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Petitioner requests authority to pay attorney \$8,278 in fees and \$180 in costs advanced. Paralegal is billed at \$115 per hour and attorney at \$250 per hour. Costs are for the cost of filing this petition. Amounts are itemized. Judge to decide.
2. Remaining assets to be delivered to the personal representative of the estate of the decedent/Conservatee.
3. Conservator waives fees.
4. There are disbursements of \$736.37 relating to payment for auto repairs or gas for an auto. The estate has no auto. No auto was listed as an asset in either this accounting or the third accounting. Please file verified supplement explaining.
Supp: Distributions were for conservator's car which was used for transportation of conservatee and doctor's appointments and such distributions were approved in prior accounting. Also, conservator is sole heir anyway. JTD.

5. There are expenditures amounting to \$1,848.43 in unauthorized gifts. These were for birthday presents and Christmas presents. Did court want a further declaration concerning these expenditures without authorization? Judge to decide. **Supp: Gifts were a continuation of conservatee's habit of providing gifts on birthdays and Christmas and such distributions were approved in prior accounting. Also, conservator is sole heir anyway. JTD.**

RECOMMENDATION:

If petition granted court will have to set future dates. Set hearing for filing of receipts and discharge for 5-19-09.

NMT/abs

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 05/13/08 TIME: 10:30 DEPT: E1

CASE #: RC RS00421

CASE NAME: GUILFORD R HOGAN

SEE ALSO 31

HEARING:

OSC re: ACCOUNTING HAS NOT BEEN FILED

COUNSEL:

CHERYL L BROWN (PET)...SCOT D STIRLING
GUILFORD R HOGAN (PCE)...DONNASUE SMITH-ORTIZ

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON O.S.C. re why accounting has not been filed.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Matter set when accounting was not filed in a timely manner and no one appeared for the Conservator.
2. Clerk gave notice.

RECOMMENDATION:

If no one appears court should issue citations and order them personally served.

NMT

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 05/13/08 TIME: 10:30 DEPT: E1

CASE #: RC RS00421

CASE NAME: GUILFORD R HOGAN

SEE ALSO 30

HEARING:
Accounting Review

COUNSEL:

CHERYL L BROWN (PET)...SCOT D STIRLING
GUILFORD R HOGAN (PCE)...DONNASUE SMITH-ORTIZ

GENERAL INFORMATION **Continued from 4-1-08. Nothing new filed.**

THIS CASE IS SET FOR HEARING ON accounting review

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. A request to waive final accounting was filed. The waiver listed assets as -0-. Original petition for conservatorship indicated a home valued at \$200,000. There is no explanation as to what happened to that property. Based on that the court ordered the petitioner to file an accounting.
2. There was no appearance at the time of the hearing on 1-22-08. Clerk gave notice to the counsel of record. It is not known if the Conservator is still represented by counsel in that there is no withdrawal of counsel in the file and the petitioner filed the petition to waive the accounting as a self represented litigant. What is clear is that the court did not give notice to Ms. Brown.

RECOMMENDATION:

If Ms. Brown fails to appear clerk should give notice to her, rather than counsel.

NMT

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

PROBATE

DATE: 05/13/08 TIME: 9:00 DEPT: E2

CASE #: MPRMS01124

CASE NAME: IN THE MATTER OF RICHARD F PITTMAN

HEARING:

Third and Final Account and Report.

COUNSEL:

MARIETTA J BRETT	(PET)...DAVID E JACOBS
LYNNE M REEVES	(PET)...DAVID E JACOBS
RICHARD F PITTMAN	(DEC)...

GENERAL INFORMATION

Assets: \$50,294.17 cash.

THIS CASE IS SET FOR HEARING ON 3rd and final accounting.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Petitioner alleges that there is \$243.50 owed in graduated filing fees and that this amount will be paid. Per Burkey v. State of California (2008) 161 Cal.App.4th 465, graduating filing fees are not due. If paid, any request for refund must be in writing and must attach a proposed order.
2. Statutory fees are \$14,298.37. Preliminary distribution of a portion of the fees has been paid leaving a balance due of \$10,668.93.
3. The estate assets are the result of multiple wrongful death actions involving asbestos exposure. Some of the companies involved in the litigation are in bankruptcy. Petitioner request that the estate be allowed to close with the addition of an omnibus clause allowing for distribution to the heirs after the close of probate. Appears to be ok. Judge to decide.
4. Attorney advanced \$93 in costs and requests reimbursement. Amount is properly itemized. Ok.
5. File copy of bank account statement to support assets on hand at the close of the accounting period.

RECOMMENDATION:

Need to clear note 5. If petition granted court will have to set future dates. Set hearing for filing of receipts and discharge for 5-19-09.

NMT/abs

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 05/13/08 TIME: 9:00 DEPT: E2

CASE #: PROPS0600278

CASE NAME: MTR OF LAWRENCE THIGPEN JR

HEARING:
Accounting Review

COUNSEL:
LAWRENCE THIGPEN (PET)...BETTY AUTON-BECK
LAWRENCE THIGPEN JR (DEC)...

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON accounting review and/or status report.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Matter is set for accounting review. No accounting/ status report has been filed.

RECOMMENDATION:

When the personal representative does not file an accounting as required, the court shall take action as specified in Pr.C. § 11050. Clerk will have to notice bonding company.

NMT

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 05/13/08 TIME: 9:00 DEPT: E2

CASE #: PROPS0700220

CASE NAME: RONALD LEE MORRIS

HEARING:

Hearing re: Inventory and appraisal

COUNSEL:

TREY BRADLEY MORRIS (PET)...LOUIS F DOYLE
RONALD LEE MORRIS (DEC)...

VACATED – FINAL I&A FILED.

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 05/13/08 TIME: 9:00 DEPT: E2

CASE #: PROPS0700914

CASE NAME: IONA F. WYNJA

VACATED

HEARING:

Hearing re: Inventory and appraisal

COUNSEL:

DAVID VANDER SCHAAF (PET)...VARNER & BRANDT, LLP
SHIRLEY VANDER SCHAAF (PET)...VARNER & BRANDT, LLP
IONA F WYNJA (DEC)...

RECOMMENDATION:

Matter may go off calendar.

NMT

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 05/13/08 TIME: 9:00 DEPT: E2

CASE #: PROPS0701196

CASE NAME: MTR OF RAMON OTERO JR

SEE ALSO 6 6A

HEARING:

Petition for Probate, Letters of Tstmnty with full authority
under IAEA.

COUNSEL:

NINA C MUNOZ	(PET)...SANDRA N. BALDONADO
RAMON OTERO JR	(DEC)...
VANESSA OTERO	(PET)...DAVID L RICE

There are competing petitions:

GENERAL INFORMATION:

Letters of Special administration with specific powers issued 01-02-08 to Nina Munoz.

Continued from 2-11-08 to coordinate with file PROPS0800011. Then on 3-25 a C.C.P. § 170.6 affidavit was filed and matter was again continued to 5-13-08. The C.C.P. § 170.6 affidavit was ruled untimely.

Petition 1:

THIS CASE IS SET FOR HEARING ON Petition for Letters Testamentary with full authority under IAEA filed by Nina Munoz, named executor in will.

THE FOLLOWING ISSUES AND /OR DEFICIENCIES IN THE PAPERS ARE NOTED:

- 1 Will waives bond. Petitioner is a California resident.
- 2 Petition appears procedurally complete.

Petition 2:

THIS CASE IS SET FOR HEARING ON Petition for probate of will and for letters of administration with will annexed, with limited I.A.E.A. and \$120,000 bond by Venessa Otero, daughter.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. As petitioner seeks only limited authority, based on the information in the file, amount of requested bond appears adequate.
2. This petitioner has been nominated by her siblings.
3. File certificate of assignment.
4. Will is not self proving. File proof of subscribing witness.
5. Petitioner is not the named executor in the will and offers no basis that would disqualify the named executor from acting. **Supp: Declination by alternate named executor filed. However, petitioner #1 above is the primary named executor.**

RECOMMENDATION:

The person named in the will as executor has a right to appointment. Pr.C. § 8420. Here, petitioner in petition 1 is named in the will as the executor and has the right to appointment in the absence of showing of disqualification for some other reason. Petitioner 2 has shown no basis for disqualification. Therefore it would appear that petitioner 1 has the priority of appointment. If petition granted court will have to set future dates. Set hearing for filing of inventory and appraisal for 12-16-08. Set hearing for filing of accounting and/or status report for 7-21-09. Any accounting to be filed 30 days in advance.

NMT/abs

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 05/13/08 TIME: 9:00 DEPT: E2

CASE #: PROPS0701196

CASE NAME: MTR OF RAMON OTERO JR

SEE ALSO 5 6A

HEARING:
Petition for Letters of Admin. W/ Full Authority under IAEA.

NINA C MUNOZ	COUNSEL:
RAMON OTERO JR	(PET)...SANDRA N. BALDONADO
VANESSA OTERO	(DEC)...
	(PET)...DAVID L RICE

See prior page.

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 05/13/08 TIME: 9:00 DEPT: E1

CASE #: PROPS0800011

CASE NAME: MARTHA E. OTERO

SEE ALSO 5 6

HEARING:
Petition for TO DETERMINE HEIRSHIP

	COUNSEL:
MICHAEL RAMOS	(PET)...ALLARD, SHELTON & O'CONNOR
LUKE ESSLINGER	(PET)...ALLARD, SHELTON & O'CONNOR
MARTHA E. OTERO	(DEC)...

See page 12A in E1 this date.

NEEDS TO BE ASSIGNED TO E2

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 05/13/08 TIME: 9:00 DEPT: E2

CASE #: PROPS0800124
CASE NAME: GILBERT RAMOS ESPINOZA JR

HEARING:

Spousal Property Petition hearing.

COUNSEL:

ANNA ESPINOZA (PET)...PRO/PER
GILBERT RAMOS ESPINOZA JR (DEC)...

GENERAL INFORMATION **Continued from 4-1-08. Nothing new filed.**

THIS CASE IS SET FOR HEARING ON spousal property petition.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Section 5(a)(1) not properly completed. File verified supplement.
2. Petitioner (surviving spouse) seeks entire real property left by decedent (in decedent's sole name). Petitioner to confirm her half of the community property and acquire decedent's half.
3. Petitioner alleges that she and decedent were married in 2001. Deed shows that the subject real property was taken by decedent husband as "a single woman" [sic] in 2002. (See tab in file.) Decedent died in 2003. Petitioner's supplement alleges that she is entitled to the entire property as surviving spouse because Family Code section 760 states that all real and personal property acquired during marriage is community property. However, decedent husband elected to take the property individually during the marriage and therefore the presumption of community property would not appear to apply. Perhaps petitioner has, if anything, a *Marsden* claim for contribution depending upon the underlying facts, which are not now known, re the source of funds used to pay for and upkeep the property. Court may wish to refer pro per petitioner to legal counsel.
4. Decedent died intestate leaving a spouse (petitioner) and two minor children ages 17 and 16. Court may wish to appoint a GAL or counsel for the minors in light of petitioner's current attempt to acquire the entire real property.

RECOMMENDATION:

Need notes corrected.

NMT/abs

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 05/13/08 TIME: 9:00 DEPT: E2

CASE #: PROPS0800310

CASE NAME: DONALD M. SAXON

HEARING:

Petition for Letters of Admin. W/ Full Authority under IAEA.

COUNSEL:

MARY ANN SAXON	(PET)...	MICHAEL W BROWN
DONALD M SAXON	(DEC)...	

GENERAL INFORMATION

At 5/7/08 ex parte hearing re special administration, objection by atty Church on behalf of Diana Saxon – losses being suffered from decedent's business. TRO negotiated by parties and signed by court (J. Welch). It does not appear that special administration was granted.

THIS CASE IS SET FOR HEARING ON Petition to administer, with full I.A.E.A. authority and \$305,000 bond.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. File notice of petition to administer estate or due diligence for grandson Danny.
2. File proof of publication.
3. Petitioner requests bond in the amount of \$305,000. Amount appears adequate.

RECOMMENDATION:

If petition granted court will have to set future dates. Set hearing for filing of inventory and appraisal for 12-16-08. Set hearing for filing of accounting and/or status report for 7-21-09. Any accounting to be filed 30 days in advance.

NMT/abs

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 05/13/08 TIME: 9:00 DEPT: E2

CASE #: PROPS0800318

CASE NAME: ALFRED L. LEGGIO SR

HEARING:

Petition for Letters of Admin. W/ Full Authority under IAEA.

COUNSEL:

ALFRED L. LEGGIO JR (PET)...PRO/PER
ALFRED L. LEGGIO SR. (DEC)...

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON Petition to administer, with full I.A.E.A. authority and no bond.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. All heirs have waived bond. Petitioner is a resident of Tennessee.
2. File notice of petition to administer estate.
3. File proof of publication.

RECOMMENDATION:

Need to correct notes. If petition granted court will have to set future dates. Set hearing for filing of inventory and appraisal for 12-16-08. Set hearing for filing of accounting and/or status report for 7-21-09. Any accounting to be filed 30 days in advance.

NMT

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 05/13/08 TIME: 9:00 DEPT: E2

CASE #: PROPS0800322

CASE NAME: MTR OF DOROTHY JEAN HANCOCK

HEARING:

Petition for Letters of Admin. W/ Full Authority under IAEA.

COUNSEL:

SANDRA J CLIBURN (PET)...HORSPOOL & PARKER
DOROTHY JEAN HANCOCK (DEC)...

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON Petition to administer, with full I.A.E.A. authority and \$295,000 bond.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Petitioner requests bond of \$295,000. Based on information in the file the amount appears adequate.

RECOMMENDATION:

Need to correct note 1. If petition granted court will have to set future dates. Set hearing for filing of inventory and appraisal for 12-16-08. Set hearing for filing of accounting and/or status report for 7-21-09. Any accounting to be filed 30 days in advance.

NMT/abs

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 05/13/08 TIME: 9:00 DEPT: E2

CASE #: RPRRS01236

CASE NAME: ESTATE OF HANRY KUTCHARIAN

HEARING:

Hearing Re: MOTION TO BE RELIEVED AS COUNSEL.

COUNSEL:

GEORGE KUTCHARIAN (PET)...HELM HANRAHAN & MYERS
HANRY KUTCHARIAN (DEC)...
ROUBEN KUTCHARIAN (ADM)...HELMS & MYERS
BOND SERVICES OF CALIFORNIA (PRO/PER)...PRO/PER

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON
Motion to be relieved as counsel.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Counsel for successor administrator seeks to be relieved on the basis client refuses to communicate re needed supplements to the final accounting. Note that there are significant issues remaining regarding the final accounting (see 5/5/08 probate notes in court's file).
2. Return of citation (personal service) filed for client.

RECOMMENDATION

Court's discretion. If approved, no future dates need be set.

/abs

FUTURE HEARING DATE:

6/23/08 Hearing on Second and Final Account

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 05/13/08 TIME: 9:00 DEPT: E2

CASE #: RPRRS02708

CASE NAME: HUSNI H AWAD

HEARING:
Hearing Re: PROBATE STATUS REPORT.

COUNSEL:
FATHI AWAD (PET)...DENNIS M ASSURAS
HUSNI H AWAD (DEC)...

GENERAL INFORMATION **Continued from 1-7-08. Nothing new filed.**
Continued from 2-11-08. Nothing new filed.

THIS CASE IS SET FOR HEARING ON status report of administration

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED-

1. Petitioner alleges the estate is not in a condition to be closed as the estate's real property has not yet sold. Petitioner only states that the property is listed. Court may wish to require petitioner to provide statement from realtor as to efforts made in the sale of the property.
2. Petitioner requests additional time, but fails to give an estimation of time needed to close the estate per Pr.C.§12201(a).
3. Notice of hearing and proof of service filed. However, notice of hearing must include specific language pursuant to Pr.C.§12201(b). Need proper notice.

RECOMMENDATION:

Need to clear notes. If petition granted court will have to set future dates. Set hearing for the next status report and/or account for 1-12-09. Any accounting to be filed 30 days in advance. Estate to remain open until that time.

KRA/NMT

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 05/13/08 TIME: 9:00 DEPT: E2

CASE #: RPRRS02832

CASE NAME: JOHN H HAWKINS

HEARING:
Hearing Re: Status Report.

COUNSEL:
JUSTIN C HAWKINS (PET)...ROBBINS & HOLDAWAY
JOHN H HAWKINS (DEC)...

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON status report/accounting review

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Last status report was heard on 3-20-07. That matter was approved and current hearing was set for subsequent hearing.
2. No current status report or accounting filed.

RECOMMENDATION:

When the personal representative does not file an accounting as required, the court shall take action as specified in Pr.C. § 11050. There is no bonding company to notice.

NMT

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 05/13/08 TIME: 9:00 DEPT: E2

CASE #: RPRRS02950

CASE NAME: FLORENCE M WHITEHAIR

HEARING:

FIRST AND FINAL Account and Report of MAGGIE WHITEHAIR and
Petition for allowance of fees filed.

COUNSEL:

MAGGIE WHITEHAIR (PET)...JASON L GAUDY
FLORENCE M WHITEHAIR (DEC)...

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON First and final report on waiver of account and
petition for distribution.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Was due and diligent search conducted to determine known or reasonably ascertainable creditors? File verified supplement.
2. Did decedent's predeceased spouse receive health care benefits from the Department of Health Services? File verified supplement.
3. Statutory fees are \$15,000. Petitioner waives fees.
4. File order after hearing.
5. All heirs waive accounting.

RECOMMENDATION:

Need to correct notes. If petition granted court will have to set future dates. Set hearing for filing of receipts and discharge for 5-19-09.

NMT/abs

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 05/13/08 TIME: 9:00 DEPT: E2

CASE #: SPRSS05422

CASE NAME: MTTR OF ISAAC G OSUNA SPECIAL NEEDS TRUST

HEARING:
Petition for for instructions etc

COUNSEL:
MELODIE Z SCOTT (TEE)...J. DAVID HORSPOOL

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON petition for instructions.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Petitioner is the trustee of the Special Needs Trust. The beneficiary of the trust is a 10 year old minor. Minor suffers from hypoxic encephalopathy with cerebral palsy and scoliosis. The court previously ordered the expenditure of trust assets to purchase a home. Petitioner now requests, at the direction of minor's physician (See exhibits), authority to expend up to \$75,000 for installation of a swimming pool for the minor's therapy. Current bid on the project is \$66,560.
2. Assets on hand are approximately \$1,220,000.
3. There is no objection in the file at the time of this review.

RECOMMENDATION:
Court's discretion.

FUTURE DATES 6/12/08 4TH ACCT

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 05/13/08 TIME: 9:00 DEPT: E2

CASE #: VPRVS003184

CASE NAME: ESTATE OF ANTHONY BURKE

HEARING:

FINAL Account and Report of MARY JOOSTEN and Petition for
allowance of fees filed.

COUNSEL:

MARY JOOSTEN	(PET)...	ALAN L INGLIS
ANTHONY BURKE	(DEC)...	

GENERAL INFORMATION **continued from 2-26-08 at request of counsel to clear
notes. Nothing new filed.**

Continued from 4-1-08 to pay required fees. All fees have been paid.

THIS CASE IS SET FOR HEARING ON

Final account and petition for fees.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Letters of administration issued 11/11/06.
2. A will was found during administration, but after investigation by petitioner and a subsequent petition to amend the letters, the court denied the petition to probate the found will.
3. Petitioner and atty each request \$9,668.66 statutory fees. Calculated. Appears ok.
4. Petitioner requests \$6,000 reserve for payment of taxes and closing expenses. Appears ok.
5. The disbursements schedule (Exhibit A, Schedule 3) indicates cost reimbursements of \$8,000 to petitioner and \$6,093.08 to counsel without explanation/support and apparently without prior court approval. Need verified supplement and/or P&As supporting reimbursements. **Supp: Itemization provided appears ok.**
6. Need proposed order.

RECOMMENDATION

Recommended for approval absent objection. Set hearing for filing of receipts and final discharge order for 5-19-09.

/NMT

Superior Court of Calif, County of San Bernardino
Page: 17
CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

CONSERVATORSHIPS

DATE: 05/13/08 TIME: 10:30 DEPT: E2

CASE #: CONPS0800088
CASE NAME: LESTER RUDOLPH SCHAUER

HEARING:

Petition for Appointment of Conservator

COUNSEL:

CYNTHIA L. GARCIA (PCR)...CHRISTINA FERRANTE
LESTER RUDOLPH SCHAUER (PCE)...LENITA SKORETZ

GENERAL INFORMATION Temporary letters issued 4-8-08 person only.

THIS CASE IS SET FOR HEARING ON Petition for conservatorship, person and estate.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Ned Court Investigator report for temporary and general petitions filed.
2. Need return of citation.
3. Medical powers sought. Capacity declaration filed.
4. Dementia powers are sought. Capacity declaration filed.
5. Dementia powers are sought.
6. Court appointed Attorney Skoretz for the Conservatee (dementia). Need report of counsel.
7. Petition alleges that the Conservatee cannot attend the hearing. Need Medical declaration of inability. The capacity declaration filed does not address this issue.
8. Petitioner has already filed proof of service of rights of Conservatee.
9. Petitioner requests bond be set in the amount of \$300,000. Based on information in the file this would appear adequate. However, must add potential cost of recovery to bond amount, so bond should be \$330,000.

RECOMMENDATION:

Require correction of notes. If petition granted court will have to set future dates. Set hearing for filing of I & A, care plan, including proof of service of I & A, instructions for objection to I&A, order appointing Conservator and care plan in accord with Pr.C. §§ 1830, 2313, 2352 and 2610 for 12-16-08. Set hearing for filing of accounting for 7-21-09. Any accounting to be filed 30 days in advance.

NMT/abs

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 05/13/08 TIME: 10:30 DEPT: E2

CASE #: CONPS0800090

CASE NAME: EDITH OLAFSON

HEARING:
Petition for Appointment of Conservator

COUNSEL:
GIDGET BLAIR (CPE)...RICHARD G ANDERSON
EDITH OLAFSON (CEP)...

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON Petition for conservatorship of the person and estate.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Petitioner requests that no bond be required as she is the sole heir of the Conservatee. This is not a legal basis for waiver of bond. Petitioner also indicates that the Conservatee has only Social Security income \$742 per month and the imposition of bond would cause a hardship. The problem is that the petitioner requests full 2590 powers. Hence, bond must be set in the amount \$313,904 plus cost of recovery fee for a total bond of \$345,294. In the absence of the request for full 2590 powers it would appear that the estate could qualify for a waiver of accounting, assuming that the real property listed is the residence of the Conservatee. (It is understood that the Conservatee is living in a care facility at this time, however, the real property can still be her residence in the event that she intends to return to it should she become capable of doing so.)
2. Powers under Pr.C § 2590 et seq. are granted in the court's discretion. The court cannot properly exercise its discretion in the absence of a declaration indicating what specific powers are sought and why each power sought is actually needed. A generalized statement of need for powers is not sufficient. Here we have only a list of the powers sought. Please file verified supplement.

3. It should also be noted that in relationship to Pr.C. § 2590 powers Pr.C. § 2591(q), ability to hire attorneys, etc is no longer an available power and should be denied.
4. Finally, should court award 2590 powers, court should make the sale of real property subject to a Pr.C. § 2540 hearing and confirmation of sale.
5. Medical powers sought. Capacity declaration filed.
6. Capacity declaration not properly completed at section 3 in that declarant neglected to indicate if they were a physician or a psychologist. Further, the document is not completed in relationship to dementia powers. File verified supplement.
7. Dementia powers are sought. Please file capacity declaration.
8. Dementia powers are sought. Need appointment of counsel and report of same.
9. Return of citation filed.
10. File contacts list.
11. Court Investigator report filed.

RECOMMENDATION:

Need to correct notes. Need court's ruling on bond. If petition granted court will have to set future dates. Set hearing for filing of I & A, care plan and proof of recordation of letters, including proof of service of I & A, instructions for objection to I&A, order appointing Conservator and care plan in accord with Pr.C. §§ 1830, 2313, 2352 and 2610 for 12-16-08. Set hearing for accounting review for 7-21-09. Accounting to be filed 30 days in advance.

NMT/abs

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 05/13/08 TIME: 10:30 DEPT: E2

CASE #: RC RS00238

CASE NAME: EMILA MONCADA

HEARING:

THIRD CURRENT Account and Report of MARTH ESPINOZA and Petition
for allowance of fees filed.

COUNSEL:

MARTH ESPINOZA	(PET)...LINDA D ROBERS-ROSS
EMILA MONCADA	(PCE)...ANNETTE G DE BELLEFEUILLE
PUBLIC GUARDIAN	(AGN)...PRO/PER
BARRY ESKIN	(TP)...PRO/PER

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON

Third account and petition for fees.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Conservatorship of estate was established in 1999.
2. Accounting period 7/15/05 to 7/16/07 (24 months).
3. Assets on hand \$7,340.65.
4. Atty states that a fee request could not yet be presented because of a change in software at counsel's office but that a fee request would be stated later. On the same date as the accounting, however, counsel attached a declaration itemizing \$7,487.50 fees, with \$2,000 paid, leaving a net \$5,487.50. Based upon \$250/hr for 29.55 hrs. Issues:
 - a. Need proof of service for itemization/fee request (due process concern re right to respond.)
 - b. In the prayer, \$1,620 is handwritten as a fee request for atty. Does counsel waive the rest of the itemized fee? Need verified supplement.
5. Need notice of hearing and proof of service including service upon VA.
6. Summary of Accounting in the body of the petition does not balance (off by \$10,520.42 to petitioner's detriment). Summary of Accounting at the start of the

schedules contains completely different figures and also does not balance, but is off by a different amount (\$2,945.68).

7. Accounting is not presented on the new and mandatory Judicial Council accounting forms and schedules. In light of the issues re the account not balancing and re fee issue discrepancies (see other notes), suggest court require a new/amended accounting from scratch on the required forms.

RECOMMENDATION

Need to clear notes.

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 05/13/08 TIME: 10:30 DEPT: E2

CASE #: RC RS00578

CASE NAME: CATHY ANN SCOTT

SEE ALSO 21

HEARING:
OSC re: SANCTIONS

COUNSEL:

DOROTHY G ALBERT (PET)...HOWARD R HAWKINS
CATHY ANN SCOTT (PCE)...LAYNE A BARTHOLOMEW

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON O.S.C. re sanctions.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Matter was set when case was on calendar for an accounting. Notes were not corrected and Conservator and counsel failed to appear.
2. Clerk gave notice.
3. Notes on accounting have now been corrected. See next page on calendar.

RECOMMENDATION:
Court's discretion.

NMT

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 05/13/08 TIME: 10:30 DEPT: E2

CASE #: RC RS00578

CASE NAME: CATHY ANN SCOTT

SEE ALSO 20

HEARING:

FIRST Account and Report of DOROTHY G ALBERT and Petition for allowance of fees filed.

COUNSEL:

DOROTHY G ALBERT (PET)...HOWARD R HAWKINS
CATHY ANN SCOTT (PCE)...LAYNE A BARTHOLOMEW

GENERAL INFORMATION Accounting period 5-30-06 through 12-30-07.

Assets: -0-

Continued from 4-14-08 for correction of notes. Notes corrected.

THIS CASE IS SET FOR HEARING ON first report and request for waiver of accounting.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Petitioner has filed a corrected inventory and appraisal showing that there are no assets in the estate. Apparently the assets in the original inventory and appraisal are an expectancy from a probate case and are therefore not a current asset of this estate.
2. As there are no asset in the estate and there is no allegation of income from a source other than public benefit it would appear that the estate would qualify for a waiver of accounting.
3. Petitioner is not requesting fees for this accounting period.
4. Attorney is not requesting fees for this accounting period.

RECOMMENDATION:

Recommended for approval absent objection. Set hearing for the next account for 3-15-10, to cover the period of 12-31-07 through 12-30-09. Accounting to be filed 30 days in advance.

NMT

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 05/13/08 TIME: 10:30 DEPT: E2

CASE #: SC SS02930

CASE NAME: MTR OF RICHARD MARRAPESE

HEARING:

FIRST Account and Report of RICHARD MARRAPESE and Petition for allowance of fees filed.

COUNSEL:

MELODIE Z SCOTT	(CPE)...
RICHARD MARRAPESE	(CEP)...ROGER E WALKER
JAMES MARRAPESE	(SC)...LINDA ROBERTS ROSS
RICK MARRAPESE	(PET)...PRO/PER

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON

First account and petition for fees.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Petitioner was appointed successor conservatee of person and estate on 6/2/06.
2. Accounting period 6/2/06 to 2/5/08 (20 months).
3. Assets on hand \$739.00.
4. Partial I&A filed on same date as this accounting. Need Final I&A a starting point for accounting assets.
5. Petitioner reports that conservatee's son, Rick, was paid 42 cents per mile for a 150/day round trip to care for conservatee, that it was not known that court approval should have been obtained for such payments and that certain payments for son's credit card were made to cover rent, gas, telephone, utilities, meals, and other expenses related to ongoing travel to care for conservatee.
Issues:
 - a. Question how some of these expenses (e.g., rent, utilities, telephone, miscellaneous expenses) were travel related. Need verified supplement.

- b. These disbursements show as dozens of ATM withdrawals (hundreds of dollars per event) throughout the accounting period, as well as payments of \$2,000+ per event to son's credit card. It is therefore impossible to analyze the propriety of the spending and cash movements of conservator.
 - c. Petitioner requests continuing authority to pay son's expenses in lieu of a nurse that would be required but for son's daily care. Suggest court require a more regimented and verifiable method for payment including potential monthly allowance or hourly billing.
- 6. Atty does not request specific fees in the petition but attaches a declaration itemizing \$9,160 fees. Itemized, atty at \$250/hr, paralegal at \$140/hr, and clerical staff at \$50/hr. issues (need verified supplement):
 - a. \$2,500 retainer was paid, amount should be reduced by retainer. Also, petitioner requests reimbursement for fees advanced.
 - b. Dues process concern that request for fees was not made in petition, limiting the ability of interested parties to respond.
 - c. On what basis does atty bill non-atty or paralegal time? CRC 7.754 limits billing to attys and qualified paralegals. (\$25 billed by clerical staff.)
 - d. CRC Rules 7.754 and 7.703(e) require a statement of the paralegal's qualifications. Need verified supplement.
- 7. Reports and special reports filed by CI.
- 8. Bank statements attached to accounting are not on letterhead and appear to be word processed. Suggest court require proper bank statements or authentication.
- 9. Need bank statements for period preceding appointment and period of I&A (appointment) - (provided statements do not cover some of the relevant periods).
- 10. Summary of account and schedules are not on the new mandatory Judicial Council forms. Does court wish to require amended accounting or to advise parties to file all accountings on the required forms in the future?
- 11. Accounting does not balance by \$115.50 Need verified supplement.
- 12. Need notice of hearing and proof of service, including service upon VA.
- 13. Petitioner prays for termination of conservatorship and return to authority per prior power of atty. Issues:
 - a. Request is not supported nor included in the title of the petition. Suggest court require separate petition for termination of appropriate.
 - b. That power of attorney is described only as for health care decisions. How would conservatee's finances be managed?
- 14. Suggest court require report of appointed counsel (Roger Walker).

RECOMMENDATION

Need to clear notes.

/abs

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 05/13/08 TIME: 10:30 DEPT: E2

CASE #: SC SS03146

CASE NAME: MTR OF WILLIAM PRIGGER

HEARING:

FIRST Account and Report of MARY JO PRIGGER and Petition for allowance of fees filed.

COUNSEL:

MARY JO PRIGGER (CPE)...MARK J. A. FLORY
WILLIAM PRIGGER (CEP)...DONNASUE SMITH-ORTIZ

GENERAL INFORMATION Accounting covers 9-1-06 through 8-31-07.

Assets: All assets are community property and are therefore outside the conservatorship estate. Conservator is the spouse of the Conservatee.

Continued from 4-1-08. Court reappointed Attorney Smith-Ortiz for the Conservatee. Court ordered Attorney Flory to file declaration re community assets. Nothing new filed.

THIS CASE IS SET FOR HEARING ON Request for waiver of accounting.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. The petitioner refers to the Court Investigator report filed in 8-07 wherein it is stated that the Conservatee wishes to terminate the conservatorship. Petitioner believes that continuation of the conservatorship is required and suggests that if the court feels that it is necessary to appoint counsel that the court appoint Attorney Smith-Ortiz, as she is already familiar with the case.
2. Based on the fact that there are no assets in the estate the estate would qualify for a waiver of accounting pursuant to Pr.C. § 2628.
3. Attorney has requested attorney fees in the amount of \$14,482.75. Petitioner alleges that an itemization is attached at exhibit B. There are no exhibits attached to the petition. Please file exhibits.
4. There are no assets in this case, as the assets are community property. The community, nonetheless, remains liable for the needs and expenses of the ill

spouse. See Pr.C. § 3080 et seq. One of the elements that can be considered in determining the reasonableness of the fees is the value of the estate. Here, as there are no assets in the estate, the court has nothing to review to determine reasonableness to the community. Court may wish to order the petitioner to file an inventory and appraisal of the community assets so that the court will have a reference point in determining reasonableness. Judge to decide.

RECOMMENDATION:

Need correction of note 3. Need court's ruling on number 4. Court should approve waiver of accounting. Set hearing for the next account for 11-17-09, to cover the period of 9-1-07 through 8-31-09 . Accounting to be filed 30 days in advance.

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

MISC.

DATE: 05/13/08 TIME: 1:30 DEPT: E2

CASE #: SPRSS06510

CASE NAME: MTR OF THE EMMA MARY RAGO TRUST

HEARING:

Court Trial -- Estimated trial length *** hrs.

COUNSEL:

EUGENE V MAROCCO (PET)...THOMAS W DOMINICK
RONALD MAROCCO (OBJ)...LAW OFFICE OF J. DANA MITCHEWE

GENERAL INFORMATION court trial. No notes.

FILE OUT COURT TRIAL 5/12